IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2040 OF 2005
IN
CRIMINAL APPEAL NO. 334 OF 2005

Klfar Azhar Hussein Shaikh ... Applicant

V/s

The State of Maharashtra ... Respondent

Shri Vaibhav G. Bagade for applicant

Shri. S.R.Shinde APP for the State

Coram : V.M. Kanade, J.
Dated : 29/03/2005.

P.C. :-

I have heard learned counsel appearing for applicant and APP for the State.

. Learned counsel appearing for applicant submits that applicant is convicted for an offence punishable under section 307 of Indian Penal Code is sentenced to suffer R.I. For 5 years and to pay a fine of Rs.3000/- and in default in payment of fine, he shall undergo R.I. For 1 year.

. Learned counsel appearing for applicant submits that applicant was a minor on the date of offence and this fact was not pointed out in the trial court by learned counsel appearing for applicant. It is further submitted that applicant's counsel remained absent on number of dates. As a result, the witness original complainant could not be cross examined by his counsel. Learned counsel appearing for applicant has taken me to evidence of P.W.1 and has pointed out that there are number of

inconsistenciesmade in his evidence. He has also taken me to evidence of the doctor who has stated that P.W.1 had sustained 10 injuries. However, there appears to be inconsistency in medical evidence and the evidence of P.W.3 who has stated that the applicant-accused No.2 gave knife blow on the stomach of P.W.1. However, the injuries which are described by the doctor does not reflect any injuries on the stomach. In view of the facts and circumstances of the case, I am of the view that this is a fit case for grantof bail. The applicant be released on bail in a sum of Rs.5000/- with one or two sureties in like amount.The applicant to report Juhu Police station twice in a month. Application is disposed of.

(V.M. Kanade, J.)